

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/19/2009 has been entered.

### ***Notice of Amendment***

2. In response to the amendment filed on 10/19/2009, amended claim(s) 1, 19, and 27, cancelled claim(s) 3, and new claim(s) 36-44 is/are acknowledged. The previous rejections of claims is/are *withdrawn*. The following is/are set forth:

### ***Election/Restrictions***

3. Claim 1 is allowable. The restriction requirement among species, as set forth in the Office action mailed on 10/27/2005, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claims 4-6, directed to an allowable product are no longer withdrawn from further consideration because they require all the limitations of an allowable generic linking claim as required by 37 CFR 1.141.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

#### **EXAMINER'S AMENDMENT**

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Matthew Schneider on 12/22/2009.

The application has been amended as follows:

**Claim 24 is amended as follows:**

24. A guide wire comprising:

a first wire disposed on a distal side of said guide wire, said first wire being made from a reshapable and non-superelastic metal material, said first wire possessing a proximal tip;

said first wire being configured to be plastically deformed to a desired shape and maintained in the desired shape upon being bent in the desired shape by a user, the first wire not being a coil;

a spiral coil covering at least a distal end portion of said first wire; a second wire disposed on a proximal side from said first wire, said second wire being made from a pseudo-elastic alloy, said second wire possessing a distal tip;

wherein the proximal tip of said first wire and the distal tip of said second wire are welded to each other at a welded portion;

the welded portion comprising a fused layer formed with said first wire and said second wire;

the welded portion between said first wire and said second wire being located on a distal side of a proximal end of said spiral coil;

the proximal tip of said first wire and the distal tip of said second wire are coaxial; and

the first wire includes a proximal end face and the second wire includes a distal end face, the proximal end face of the first wire and the distal end face of the second wire abutting one another and being welded to one another to form the welded portion,

**wherein the welded portion is located on a tapered portion of the guide wire.**

**Claim 28 is amended as follows:**

28. A guide wire comprising:

a first wire disposed on a distal side of said guide wire, said first wire being made from a reshapable metal material, said first wire possessing a proximal tip;

said first wire being configured to be plastically deformed to a desired shape and maintained in the desired shape upon being bent in the desired shape by a user, the first wire not being a coil;

a second wire disposed on a proximal side from said first wire, said second wire being made from a pseudo-elastic alloy, said second wire possessing a distal tip;

wherein the proximal tip of said first wire and the distal tip of said second wire are welded to each other at a welded portion;

said first wire being made from a material having an elastic modulus larger than an elastic modulus of the material forming said second wire;

the proximal tip of said first wire and the distal tip of said second wire are coaxial;

the first wire includes a proximal end face and the second wire includes a distal end face, the proximal end face of the first wire and the distal end face of the second wire abutting one another and being welded to one another to form the welded portion;

a third wire disposed on the proximal side from said second wire, said third wire being made from a material having an elastic modulus larger than the elastic modulus of the material forming said second wire; **[and]**

wherein said second wire and said third wire are joined to each other; **and**

**wherein the welded portion is located on a tapered portion of the guide wire.**

**Claim 42 is amended as follows:**

42. A guide wire comprising:

a first wire disposed on a distal side of said guide wire, said first wire being made from a reshapable and non-superelastic metal material, said first wire possessing a proximal tip;

said first wire being configured to be plastically deformed to a desired shape and maintained in the desired shape upon being bent in the desired shape by a user, the first wire not being a coil;

a spiral coil covering at least a distal end portion of the first wire; a second wire disposed on a proximal side from said first wire, said second wire being made from a pseudo-elastic alloy, said second wire possessing a distal tip;

the proximal tip of said first wire and the distal tip of said second wire are coaxial;

the first wire includes a proximal end face and the second wire includes a distal end face, the proximal end face of the first wire and the distal end face of the second wire abut one another and are welded to one another to form a welded portion;

the welded portion between said first wire and said second wire is located on the proximal side of a proximal end of the coil; **and**

**wherein the welded portion is located on a tapered portion of the guide wire.**

***Allowable Subject Matter***

5. Claims 1,2,4-6,12-21,23,24,27,28,30 and 32-44 are allowed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY G. HOEKSTRA whose telephone number is (571)272-7232. The examiner can normally be reached on Monday through Friday 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571)272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jeffrey G Hoekstra/  
Examiner, Art Unit 3736

/Max Hindenburg/

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